

AGENDA: January 13, 2004

4.1

CATEGORY: Consent

DEPT.: City Attorney

TITLE: Adoption of Code Update Ordinance
(Second Reading)

RECOMMENDATION

Adopt AN ORDINANCE UPDATING THE CITY OF MOUNTAIN VIEW CITY CODE, PROVIDING PENALTIES FOR INTERFERING WITH ACCESSIBILITY, AND AMENDING THE MULTI-HOUSING INSPECTION PROGRAM. (First reading 7-0)

FISCAL IMPACT

If the change to the threshold definition of "multi-family housing" is adopted, it will have some minor fiscal impact since the fees paid by these property owners will be eliminated from the revenue for the program.

BACKGROUND AND ANALYSIS

At its December 2, 2003 Regular Meeting, the Council introduced the above-referenced ordinance which would add specific provisions in the Mountain View City Code relative to accessibility for the mobility-impaired (disabled access); definition of multi-family housing; the assignment of parking spaces; the usage of commercial storage containers; as well as removing a reference to mini-storage or personal storage facilities from the Commercial-Service Zone. The ordinance also will repeal two sections of the existing City Code dealing with prohibition of standing in front of theaters, churches or public resorts when requested to move by a police officer and a prohibition on switchblade knives, which is covered by State law. The Council introduced the ordinance by a unanimous vote, and the adoption of this ordinance will implement the referenced provisions 30 days from this date.

A copy of the December 2, 2003 staff report which discussed these changes in more detail as well as the ordinance is attached to this report.

ORDINANCE NO.

AN ORDINANCE UPDATING THE CITY OF MOUNTAIN VIEW CITY CODE,
PROVIDING PENALTIES FOR INTERFERING WITH ACCESSIBILITY,
AND AMENDING THE MULTI-HOUSING INSPECTION PROGRAM

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Section 21.21 is hereby added to Chapter 21 of the Mountain View City Code and shall read as follows:

"SEC. 21.21. Barriers to accessibility.

a. No person shall obstruct, place an obstacle or otherwise interfere with free and unfettered access to a sidewalk, ramp, wheelchair ramp or other improvement designed to assist the mobility impaired.

b. No person shall obstruct, impede or place any obstacle on a public or private sidewalk which interferes with or obstructs a thirty-six (36) inch wide path of travel."

Section 2. Section 21.35 and Section 21.36 are hereby repealed in their entirety.

Section 3. Section 25.51 is hereby amended to read as follows:

"SEC. 25.51. Definitions.

"Cause for inspection" shall be deemed to exist if either reasonable legislative or administrative standards for conducting a routine inspection are satisfied with respect to the particular place, dwelling, structure, premises, or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises or vehicle.

"Hotel" and "motel" shall mean any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

"Multi-family housing" shall mean any situation in which three (3) or more dwelling units as defined in A36.95.020 of the Mountain View City Code exist in a single structure and are used as rental housing. (Ord. No. 4.94, 3/8/94; Ord. No. 18.94, 11/9/94; Ord. No. 7.96, 8/27/96.)"

Section 4. Section 36.37.030(H) is hereby added to Chapter 36 and shall read as follows:

"SEC 36.37.030. General parking regulations.

H. **No assignment of parking spaces without approval.** Parking spaces in parking lots shall be available to all users of the premises and shall not be assigned or in any way restricted for use except pursuant to an approval by the city as part of the underlying permit or CC&Rs."

Section 5. The reference to "Personal Storage Facilities" in the chart, which is part of City Code Section A36.14.020 is hereby eliminated.

Section 6. Section 25.5 is hereby amended to read as follows:

"SEC. 25.5. Uses not permitted—Prohibited.

a. Uses and structures which are permitted or allowed on real property within the city are listed in Chapter 36 and elsewhere in this code. No person shall conduct, allow or construct any use on real property which is not specifically provided for in the code or conducted pursuant to a required permit. (Ord. No. 3.01, 3/27/01.)

b. Storage containers.

1. Storage containers shall not be placed in any zone within the city except as provided in this section. For purposes of this section, "storage containers" shall mean prefabricated cargo, shipping and/or containers which are designed for the storage or transportation of goods by sea, air, rail or truck and can include commercial truck bodies, with or without wheels. Storage containers do not include storage sheds which are assembled in place and typically available at retail outlets or storage facilities constructed pursuant to a building permit.

2. **Exception:** Industrial Zones: Commercial storage containers may be utilized in industrial zones provided they are used for storage only, not placed on required parking, meet height and setback requirements, not provided with utility hookups and are not visible from a public thoroughfare, or are approved on a temporary basis not to exceed six (6) months upon the approval of a Temporary Use Permit (TUP).

3. **Exception:** All Zones: Commercial storage containers may be used in all zones in conjunction with an active building permit with placement approved by the

building official. Containers which encroach upon the public right-of-way must secure an encroachment permit pursuant to Sec. 27.17."

Section 7. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 8. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 9. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The foregoing ordinance was regularly introduced at the Special Meeting of the City Council of the City of Mountain View, duly held on the 2nd day of December, 2003, and will be given a second reading and presented for adoption at the Regular Meeting of said City Council, to be held on the 13th day of January, 2004.

(SEAL)

PUBLISHED: _____

ANGELITA M. SALVADOR, CITY CLERK
CITY OF MOUNTAIN VIEW

MDM/6/ORD
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PUBLIC NOTICING—Agenda posting.

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MDM/8/CAM
014-01-13-04M^

Attachments: 1. Proposed Ordinance
2. December 2, 2003 Staff Report